



Compliance Guide for New Regulations for Small Businesses

COMAR 10.15.03 Food Service Facilities

- *What does this regulation do?*

This proposal updates the food safety regulations as a result of legislation passed in 2018 and 2019. This proposal includes changes related to cottage foods, micro markets, excluded organizations, mobile food service facilities, and temporary food service facilities. Additional minor clarifications and corrections are also made.

- *Who is Subject to the new regulation?*

Local health departments, cottage food businesses, excluded organizations, mobile food service facilities, temporary events, and micro markets are subject to these regulations.

- *Why were the new regulations adopted?*

To clarify current regulations and align regulations with recently passed legislation (Chapter 491, 338, and 339 of the Acts of 2018; Chapters 230, 370, and 371 of the Acts of 2019).

- *When are the regulations effective?*

The regulations will become effective upon approval. The legislative changes made to statute took effect October 1, 2018, and October 1, 2019 and are currently enforceable.

- *Is funding available to implement new requirements established by the regulation?*

Funding is not required to implement the proposed amendments to COMAR 10.15.03.

- *Are there other resources available for implementing the requirements of the regulation?*

No

- *Is there assistance available to help understand the requirements of the regulation?*

Yes, the Department's Office of Food Protection offers guidance to local health departments and businesses subject to these regulations. Local health departments offer guidance to food service facility operators. Additional updates and relevant information will be posted on the Office of Food Protection's website.

- *Key Terms and Definitions*

NOTE: For official definitions, please see COMAR 10.15.03.02 and the relevant sections of statute.

“Cottage Foods” include certain baked goods; candies; and fruit jellies, jams, preserves, and butters that do not require refrigeration or other temperature controls due to their low risk of causing foodborne illness. These foods are made in a private home kitchen and can be sold at farmer's markets, bake sales, at public events, by mail or personal delivery, or to a retail food store such as a grocery store. For more on cottage foods, see COMAR 10.15.03.27.

“Excluded Organizations” are either volunteer fire companies or nonprofit organizations, including fraternal, civic, war veterans', religious, and charitable organizations. These organizations are exempt from some, but not all, food safety regulations, provided they do not serve food to the public more than 4 days per week (except once a year an excluded organization may serve food to the public for up to 30 consecutive days). Excluded organizations can elect to be fully licensed as a food service facility. For more on excluded organizations, see COMAR 10.15.03.26.

“Micro markets” are unstaffed, self-checkout retail food service facilities. For more on micro markets, see COMAR 10.15.03.40 (as proposed).

“Mobile food service facilities,” or more commonly, “food trucks,” are food service facilities that move as part of their routine operations.